

**Date:** July 5, 2011

**To:** Thomas J. Bonfield, City Manager  
**Through:** Theodore L. Voorhees, Deputy City Manager  
**From:** Edward R. Venable, Manager of Engineering and Stormwater  
**Subject:** Rescinding the Ordering of Making a Certain Improvement – Brenrose Circle

### **Executive Summary**

On December 15, 2003, City Council ordered curb, gutter, and paving, water and sewer laterals improvements for Brenrose Circle from Hillsborough Road to the End of the Cul-de-sac. Brenrose is an existing ribbon paved roadway. This improvement was ordered as a result of a valid petition from the abutting property owners. However, since the time of the original order several property owners within the project limits have inquired about having the improvement rescinded as a result of both the impact of construction to the owners at the cul-de-sac end of the project, as well as the high construction cost (in excess of \$400,000.00) that has been projected. There are sixteen (16) property owners affected by this project. Twelve (12) of them signed the original petition in favor of this project, for a 75% majority. Since that time, five (5) of the original signatories have removed their names from the petition, resulting in a petition that now has only 43% in favor of this improvement.

### **Recommendation**

The Public Works Department recommends that the City Council rescind the resolution ordering the curb, gutter, and paving and water and sewer laterals on Brenrose Circle.

### **Background**

Brenrose Circle is an existing ribbon paved street that is maintained by the City of Durham. In August 2003 a petition for the curb, gutter, and paving of Brenrose Circle was issued at the request of a resident of that street. A sufficient petition was subsequently returned and City Council ordered the improvement to be made at the December 15, 2003 Council meeting. During the design phase of this project numerous issues arose concerning how to best accommodate the storm runoff for this street. The installation of curb and gutter would result in the elimination of street ditches and would require the installation of storm water piping. The storm water would ultimately discharge into a buffered stream (as designated by the State of North Carolina) at the end of the cul-de-sac. Part of the State requirement is the design must be such that the stream buffer is not disturbed. This requires that the storm piping be installed at the end of the cul-de-sac at the existing grade. In order to accommodate this requirement, the cul-de-sac end of the street will need to be raised about 3 feet which will potentially have an adverse impact on the property owners at the end of the cul-de-sac. In addition, since the storm water will be discharging into a buffered stream, storm water filters must be installed. As there is not enough room to construct a storm water

pond, the design proposes Filterrras (storm inlets that have vegetation that capture impurities in them) to be installed. The necessary installation of this storm water collection system also causes some conflicts with existing water and sewer utilities which will require the relaying of some of these.

After a series of community meetings to discuss the construction and potential impacts to the property owners on the cul-de-sac, several of the property owners asked that the construction of this project be reconsidered. Originally twelve (12) of the sixteen (16) property owners signed in favor of this project. Since then five (5) of these owners have removed their names from the petition, bringing the total number of valid signatures down to seven (7), which is less than a majority, and thus renders the petition insufficient.

### **Issues/Analysis**

The petition for this improvement was originally requested for aesthetic reasons in addition to the desire to better control the storm run-off that existed on Brenrose Circle at the time. The existing travel way surface was in poor condition as well. Adding this street to one of the existing resurfacing contracts currently underway will alleviate the surface condition issues.

While the attraction of a more aesthetically pleasing roadway is something the property owners on Brenrose Circle desire, especially considering the low assessment rate under which it was ordered (\$20.00 per front foot), the residents do not want the improvement to move forward due to the impact on the property owners at the end of the cul-de-sac. In addition to the potential negative impact to the cul-de-sac end, several of the property owners have expressed concern over the estimated cost of the project (\$430,000.00 or more) and feel that this money could be put to a better use than on this one short street.

### **Alternatives**

City Council could choose not to rescind its previous action ordering this improvement. This would result in the project moving forward and property owners being assessed upon completion of the curb, gutter, paving, storm water, and water and sewer lateral improvements.

The other option is for City Council to rescind the ordering of this improvement.

### **Financial Impact**

The estimated cost of this project is \$430,000.00. The rescission of this improvement would remove the need to secure this amount of future funds, and clear the way to construct other roadway improvements currently on the waiting list.

### **SDBE Summary**

n/a